



Serial No. 10/041,117

REMARKS/ARGUMENTS

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TECHNOLOGY CENTER R3700

In response to the Office Action mailed February 26, 2003, Applicants amend their application and request reconsideration in view of the amendments and the following remarks.

In this Amendment, Claims 1, 3, 5, and 9 have been amended. Claims 4, 10-12 and 15-18 have been cancelled without prejudice and no claims have been added so that claims 1-3, 5-9, 13 and 14 remain pending. No new matter has been introduced.

Applicants affirm the election made February 19, 2003, to prosecute the invention of Figure 1, claims 1-16. Accordingly, claims 17 and 18 were cancelled without prejudice.

Applicants respectfully submit the Information Disclosure Statements and corresponding PTO 1449 forms previously submitted.

The Abstract was objected to for a minor informality. Accordingly, Applicants have amended the Abstract to correct the minor deficiency.

Claims 1-16 were rejected as anticipated by U.S. patent No. 6,306,164 to Kujawski (Kujawski). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Kujawski teaches an implantable endoprosthesis for treating vascular defects, including abdominal aortic aneurysms. The endoprosthesis comprises a trunk with at least one channel therethrough. The channel of the trunk is adapted to receive or otherwise engage a leg extension. The leg extension may comprise a vascular graft. The trunk comprises channels, an

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anchor and a graft. The trunk's channels extend through the trunk from its proximal face to its distal face. Essentially, the channels create a bifurcated flow of blood.

The present invention, as claimed in independent claim 1, is directed to a system for bypassing an aneurysm. The system comprises a first prosthesis and at least one second prosthesis. The first prosthesis comprises a conduit defining a single fluid flow path and a compressible gasket having an aperture for receiving at least one second prosthesis. In independent claim 9, there are at least two second prostheses.

In Kujawski the trunk comprises channels that extend from the proximal face to the distal face creating two flow channels in the trunk. In the present invention claimed in independent claims 1 and 9, the first prosthesis comprises a single channel and the second prosthesis forms the multiple flow channels while the gaskets with apertures simply form the seals. Since Kujawski fails to teach, disclose or suggest these claimed features there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-16 were rejected as anticipated by U.S. Patent No. 5,639,276 to Dereume et al. (Dereume). These rejections are respectfully traversed.

Dereume teaches an abdominal graft structure for bifurcated arteries. The structure comprises a trunk component and two expendable abdominal grafts.

Applicants respectfully reiterate their arguments presented above. Specifically, Dereume fails to disclose, teach or suggest a trunk with a single passageway, a sealing gasket on the interior and additional conduits to form the fluid flow path. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants would be willing to interview the present case if the Examiner so desires.

A favorable action on the merits is earnestly solicited.

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The Commissioner is hereby authorized to charge any fee due pursuant to 37 δC.F. R. 1.16 and any other fee that may be due, to Deposit Account No. 10-0750/CRD-918/CJE.

Respectfully submitted,



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May 22, 2003

SERIAL NO. 10/041,117 DOCKET NO. CRD-918 BY CJE
APPLICATION OF D. F. DEPALMA ET AL MAILED: 9-19-02
ENTITLED MODULAR ANEURYSM REPAIR SYSTEM

THE FOLLOWING HAS BEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

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|--|--------------------------------------|--|
| <input type="checkbox"/> AFFIDAVIT | <input type="checkbox"/> DECLARATION | <input type="checkbox"/> EXTENSION OF TIME |
| <input type="checkbox"/> AMENDMENT | | <input type="checkbox"/> NOTICE OF APPEAL |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING OATH OR | | <input type="checkbox"/> DECLARATION |
| <input type="checkbox"/> BRIEF | | <input type="checkbox"/> POWER OF ATTORNEY |
| <input type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750 | | <input type="checkbox"/> PRELIMINARY STATEMENT |
| <input type="checkbox"/> DRAWINGS | | <input type="checkbox"/> PRIORITY DOUCUMENT |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL | | <input type="checkbox"/> STATUS INQUIRY |
| <input type="checkbox"/> LETTER | | <input type="checkbox"/> SPECIFICATION _____ PGS |
| <input type="checkbox"/> PCT FILING | (SUPPLEMENTAL) | <input type="checkbox"/> CLAIMS _____ |
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